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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,125

12/15/2003

Bruce Williams

061270-0876

1954

58898 7590 03/22/2007

LEMPIA FORMAN LLC
223 W. JACKSON BLVD.
SUITE 620
CHICAGO, IL 60606

EXAMINER

GARRETT, ERIKA P

ART UNIT

PAPER NUMBER

3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/734,125	WILLIAMS ET AL.	
	Examiner	Art Unit	
	Erika Garrett	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9, 21-23, 29-33 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) 21-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9, 29-33 and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 4-9, 29-33 and 35-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Reithmeier (6,273,509). In regards to claim 36, Reithmeier discloses the use of a child seat comprising a backrest having a top portion (22) and a bottom portion (14), each of the top portion and the bottom portion having a support surface to engage and support a portion of an occupant's body, the top portion being movably connected to and vertically adjustable relative to the bottom portion, a flexible latch (70) on one of

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the top and bottom portions; notches (26) located in the other of the top and bottom portions, wherein the latch is positioned to engage a selected one of the notches to fix the relative vertical position of the top portion to the bottom portion; and a release mechanism (46) configured to selectively disengage the latch from the notch. In regards to claim 4, the latch is configured to bend when contacted by a part of the release mechanism, see figure 4. In regards to claim 5, the part of the release mechanism includes a wedge (68) positioned to contact the latch, see figure 4. In regards to claim 6, the release mechanism includes a handle that is selectively movable to disengage the latch from the notch. In regards to claim 7, further comprising an elongate rail (20) connected to the handle and adapted to contact the latch and disengage the latch from the notch. In regards to claim 8, the latch is biased (86) toward engagement with one of the notches. In regards to claim 9, wherein the latch is elastically deformed when disengaged from the notch. In regards to claim 29, the latch is bendable and the release mechanism has a rail that is arranged to slide on the backrest into contact with the latch to thereby force the latch to bend and disengage from the notch. In regards to claim 30, wherein the release mechanism includes a handle connected to the rail. In regards to claim 31, wherein the handle is configured to moved downward toward a base of the child seat to disengage the latch from the notch. In regards to claim 32, the top portion of the backrest slides in a guide section of the bottom portion. In regards to claim 33, the rail includes a ramped surface positioned so that when the latch contacts the rail, the latch slides along the ramp to disengage from the notch. In regards to claim 35, the release mechanism is adapted to be moved into

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contact with the latch to disengage the latch from the notch. In regards to claim 37, a child seat comprising an adjustable backrest having a top portion (22) and a bottom portion (14), each of the top portion and the bottom portion having a support surface to contact and support a portion of an occupant's back, the top portion being movably connected to the bottom portion to permit selective adjustment of the top portion vertically upward or downward relative to the bottom portion, a flexible latch (60) connected to one of the top and bottom portions; a series of notches (26) located in the other of the top and bottom portions, the notches corresponding to vertically selectable height positions of the top portion relative to the bottom portion, wherein the latch is positioned to engage a selected notch corresponding to a selected height position to fix the top portion relative to the bottom portion; and a release mechanism (46) adapted to selectively disengage the latch from the selected notch to enable movement of the latch upward or downward to another of the series of notches.

Response to Arguments

3. Applicant's arguments with respect to claims 4-9,29-33 and 35-37 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859. The examiner can normally be reached on Monday-Thursday 9:00 a.m.-5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EG 
March 13, 2007


DAVID DUNN
SUPERVISORY PATENT EXAMINER